

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

KATHLEEN STONE,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE, and JOHN AND
JANE DOES 1-50,

Defendants.

Civil Action No. 24-cv-11897-JCB

**PRESIDENT AND FELLOWS OF HARVARD COLLEGE’S OPPOSITION TO
PLAINTIFF’S MOTION FOR LEAVE TO FILE A SURREPLY**

Defendant President and Fellows of Harvard College (“Harvard”) requests that the Court deny Plaintiff Kathleen Stone’s (“Stone”) motion for leave to file a sur-reply brief. “As a general rule, the court disfavors surreplies.” *Walsh v. Teltech Sys.*, No. 13-13064-RWZ, 2015 U.S. Dist. LEXIS 191349, at *2 (D. Mass. July 30, 2019) (denying motion where it gave the court “no reason to deviate from that general rule”); *see, e.g., Swartz v. Bahr*, No. 16-12144-LTS, 2017 U.S. Dist. LEXIS 96224, at *6 (D. Mass. June 22, 2017) (denying request to file sur-reply where plaintiff failed to show sur-reply “would be necessary or useful”).

Stone has failed to demonstrate that a sur-reply would be necessary or useful to the Court. Harvard’s Reply memorandum addressed unanticipated issues raised in Stone’s Opposition memorandum. *See* ECF 30, 32. By contrast, Stone’s proposed sur-reply reiterates arguments she has already made. The two points Stone raises as “warranting” her sur-reply—Harvard’s “continued reliance on” the exhibits Harvard appended to its initial motion, and Stone’s argument that she pled a hostile work environment claim, ECF 33 ¶¶ 5-7—were presented by

Stone to this Court in her Opposition memorandum. *See* ECF 24 at 6 n.3, 11-12. The fact that Harvard responded to Stone's arguments in its Reply does not justify or necessitate a sur-reply. In short, Stone's proposed sur-reply does not "add[] value to the existing briefing," *Walsh*, 2015 U.S. Dist. LEXIS 191349, at *2, and should be denied.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE

By its attorneys,

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Dated: December 30, 2024

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the above date.

/s/ Maureen S. Berry

Maureen S. Berry